

REMARKS/ARGUMENTS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested. By the present amendment, claims 2, 3, 5, 6, and 7 have been amended. New claims 8-21 have been added.

Claim Rejections under 35 U.S.C. §112

Claims 1-7 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, claim 1 is rejected because the recitation that the cover sections are spaced at different distances from the bottom wall is held to be indefinite. That rejection is respectfully traversed.

Claim 1 recites that the cover element has at least three cover sections and that the closure system allows for a number of closure positions in which the cover sections are spaced at different distances from the bottom wall. As clearly shown in Figs. 4 and 5, each of the cover sections 17, 19, 21 exhibits a first spatial configuration, i.e., spacing, relative to the bottom wall 2 when the cover element is in a first closure position and a second, different spacing relative to the bottom wall when the cover element is in a second position. Accordingly, it is believed that the recitation in claim 1 that the closure system allows for a number of closure positions in which the cover sections are spaced at different distances from the bottom wall is definite.

Claim 2 is rejected because the word "inhibited" appears to contradict the Applicant's intended meaning. Claim 2 has been amended to recite that the cover sections are held in a locked position and, thus, it is believed that amended claim 2 is definite.

Claim 3 is rejected because the recitation that the ribs have one locked position each, are arranged with their faces that point towards each other lying against each other is held to be indefinite. Claim 5 is rejected because the recitations of the front border area and the bottom-wall side border area are held to be indefinite. Claims 3 and 5 have been amended to more clearly define that which the Applicant regards as the invention and, thus, it is believed that amended claims 3 and 5 are definite.

Claims 6 and 7 are rejected due to the recitation of "preferably". Claims 6 and 7 have been amended to remove this recitation and, thus, it is believed that amended claims 6 and 7 are definite.

Based on the foregoing, it is believed that claims 1-7 are now definite and, thus, it is respectfully requested that the rejection of claims 1-7 under 35 U.S.C. §112, second paragraph be withdrawn.

Claim Rejections under 35 U.S.C. §103

Claims 1-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,084,180 to DeBartolo, Jr. et al. (hereafter "DeBartolo") and U.S. Patent No. 4,609,171 to Matsumi (hereafter "Matsumi"). That rejection is respectfully traversed.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Claim 1 recites a device that includes a bottom wall and a receiving element having two bordering walls that face each other. A cover element is mounted on the

receiving element by a border hinge and is linked with the receiving element by a closure system. The cover element includes at least three cover sections and the closure system allows for a number of closure positions that corresponds with the number of center hinges in which the cover sections are spaced at different distances from the bottom wall.

DeBartolo does not teach or suggest this structure. DeBartolo teaches a duct for cables that includes a first cover 20 and a second cover 22. The first cover 20 includes a pair of legs 72, 74 and the second cover includes a pair of legs 32, 34. A groove 82 on the leg 72 snaps onto a rib 40 on the leg 32 and a hook projection 100 on the leg 74 engages a latching surface 64 on the leg 34 (Fig. 4). The Examiner acknowledges that DeBartolo does not teach at least three cover sections but asserts that the elastic protrusions 18 of the curved member 16 of Matsumi cure the deficiencies of DeBartolo (Office Action page 4). The Applicant disagrees.

Matsumi teaches a clamp that includes a base 14 having a projecting portion 22 and a curved member 16 that has one end integrally formed with the base and another end that includes a bent portion 20 for engaging the projecting portion in order to secure wires to the base. The elastic protrusions 18 in Matsumi allow the curved member 16 to expand or contract via elastic deformation in order to accommodate wire bundles of various sizes (Col. 5, lines 40-49). There is no indication, however, that the number of different closure positions of the curved member 16 corresponds with the number of elastic protrusions 18, i.e., three.

The present invention includes multiple locations, e.g., inside and outside closure receivers 27, 33, for receiving the latching lug 31 to place the cover sections

17, 19, 21 in multiple locked configurations. In contrast, the cover 16, 20 in each of Matsumi and DeBartolo, respectively, has a single receiving location in the corresponding base. Therefore, the number of closing configurations of the cover in Matsumi depends on the flexibility of the cover, i.e., the cover can be shifted or flexed to a multitude of different positions while both ends of the cover are held in place. Accordingly, adding the three elastic protrusions 18 of Matsumi into the cover 20 or 22 of DeBartolo allows for a significant number of closure conditions for the cover. In other words, adding three elastic protrusions 18 does not result in the cover of DeBartolo having only three corresponding closure positions.

Furthermore, it is clear from Figs. 4-5 of DeBartolo that the first cover 20 can only be attached to the base 12 in one way. In particular, the hook portion 100 of the leg 74 and the groove 82 in the leg 72 on the first cover 20 can only be secured to the latching surface 64 of the leg 34 and the rib 40 on the leg 32, respectively, of the base 12 in one configuration. Likewise, in Matsui the bent portion 20 of the curved member 16 can only be snapped into the projection portion 28 in the base 14 in one configuration. Therefore, it is clear that neither DeBartolo nor Matsui teach or suggest a closure system that allows for a number of closure positions, corresponding to the number of center hinges, in which cover sections are spaced at different distances from a bottom wall, as recited in claim 1. Based on the foregoing, a *prima facie* case of obviousness has not been shown because the combination of DeBartolo and Matsumi does not teach or suggest every feature recited in claim 1. Accordingly, it is respectfully submitted that claim 1 is patentable over the combination of DeBartolo and Matsumi and is therefore allowable.

Claims 2-7 depend from claim 1 and are allowable for at least the same reasons as claim 1 and for the specific limitations recited therein.

Furthermore, amended claim 2 recites that the cover sections include an inhibiting system by means of which two adjacent cover sections are held in a locked position in their movement relative to one another. The Examiner acknowledges that DeBartolo does not teach or suggest such an inhibiting system but asserts that Matsumi cures the deficiencies of DeBartolo. In Matsumi, however, once the bent portion 20 is snapped into the projection portion 28 of the base 14 there is no structure or locking mechanism to hold the central portion of the curved member 16 between the ends from moving, flexing, shifting, etc. In other words, any force applied to the curved member 16 when it is snapped into the base 14 (Fig. 3) will cause the central portion of the curved member to move relative to the ends of the curved member and, thus, the curved member is not held in a locked position. Accordingly, it is respectfully submitted that amended claim 2 is patentable over the combination of DeBartolo and Matsumi and is therefore allowable.

Amended claim 3 recites that the inhibiting system has a number of ribs that are arranged in the cover sections. The ribs have faces that point towards one another and that are engageable with one another to hold the cover sections in the locked position. Neither DeBartolo nor Matsumi teaches or suggests this structure. In DeBartolo, neither the locating recesses 36 nor the projections spaced therebetween on the base 12 engage one another or are capable of engaging one another without breaking the base. In Matsumi, the rounded elastic protrusions 18 on the curved member 16 do not engage one another and, regardless, there is no

indication that the protrusions can engage one another to hold the curved member in a locked position. Since neither DeBartolo nor Matsumi teaches or suggests the structure recited in amended claim 3 it is respectfully submitted that amended claim 3 is patentable over the combination of DeBartolo and Matsumi and is therefore allowable.

Amended claim 6 recites that formed onto the cover section that lies furthest from the border hinge is a side border section on which are configured closure parts of the closure system that interact with closure counterparts of the closure system that are configured on a bordering wall. Neither DeBartolo nor Matsumi teaches or suggests this structure. In DeBartolo, at the end of the duct 10 opposite the hinged groove 82 and rib 40 is a single latching surfaces 64 on the base 12 that engages a single hook portion 100 on the cover 20. In other words, the cover 20 and base 12 do not include multiple structures that interact with one another at the end of the duct 10 opposite the hinged connection 40, 82. In Matsumi, the single bent portion 20 at the free end of the curved member 16 engages the single projecting portion 28 of the base 14 (Figs. 2-3) – there are not multiple structures on the curved member that interact with multiple structures on the base. Since neither DeBartolo nor Matsumi teaches or suggests the structure recited in amended claim 6 it is respectfully submitted that amended claim 6 is patentable over the combination of DeBartolo and Matsumi and is therefore allowable.

New Claims

Claims 8 and 9 recite that the side border section is aligned at a right angle to the cover section. Claim 10 recites that the closure system includes a closure part

that is engageable with a closure receiver of the closure system to place the cover sections in a first closure position and is engageable with a supporting rib of the closure system to place the cover sections in a second closure position different from the first closure position. Claim 11 recites that the closure receiver points away from the wall and the support rib faces the wall. Claim 12 recites that the closure part engages a closure receiver and the supporting rib of the closure system to place the cover sections in the second closure position. Claim 13 recites that the cover sections have a first closure position in which only a first pair of the three cover sections is fixed in a single plane. The cover sections that have a second closure position in which only a second, different pair of the three cover sections is fixed in a single plane. Claim 14 recites that the number of closure positions of the cover sections is limited to the number of center hinges. Claims 15, 19, and 21 recite that the bottom wall, bordering walls, and cover element cooperate to define a cable channel, the cable channel having a different cross-section for each of the locked closure positions. Claim 16 recites a device for receiving elongated objects that includes a bottom wall from which first and second bordering walls extend. A cover element is pivotably mounted to the first bordering wall. The cover element has a plurality of cover sections and at least one closure part. A closure system is associated with each of the closure parts. Each closure system includes a first closure receiver positioned at a first location on the second bordering wall and a second closure receiver positioned at a second location on the second bordering wall. The closure part is engageable with the first closure receiver to hold the cover sections in a first locked configuration. The closure part is engageable with the

second closure receiver to hold the cover sections in a second locked configuration different from the first locked configuration. Claim 17 recites that the plurality of cover sections includes three cover sections. Only a first pair of the three cover sections is locked in a co-planar configuration when the closure part is engaged with the first closure receiver. Only a second, different pair of the three cover sections is locked in a co-planar configuration when the closure part is engaged with the second closure receiver. Claim 18 recites that the cover element includes a plurality of ribs having faces that point towards one another and that are engageable with one another to hold the cover sections in the locked closure positions. Claim 20 recites a device for receiving elongated objects that includes a bottom wall from which first and second bordering walls extend. A cover element is pivotably mounted to the first bordering wall and has a plurality of cover sections and at least one closure part. A closure system is positioned on the second bordering wall and is associated with each of the closure parts. Each of the closure parts is engageable with the associated closure system to place the cover element in any one of a plurality of closure positions. Each closure position has different pairs of the plurality of cover sections held in a locked, co-planar position. The cover element includes a plurality of ribs that have faces pointing towards one another and that are engageable with one another to hold the cover sections in the locked closure positions. It is respectfully submitted that claims 8-21 are patentable over the art of record and are therefore allowable.

In view of the foregoing, it is respectfully submitted that the application is allowable and allowance of the application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

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